

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ONOGWU CHARLES,	:	No. 4:CV 06-2316
	:	
Petitioner,	:	Judge Jones
	:	
v.	:	
	:	
BICE,	:	
Respondent.	:	

MEMORANDUM

January 9, 2007

THE BACKGROUND OF THIS MEMORANDUM IS AS FOLLOWS:

On December 4, 2006, Petitioner Charles Onogwu (“Petitioner”) filed a Petition for Writ of Habeas Corpus (“Petition”) requesting a stay of removal. (Rec. Doc. 1). On December 28, 2006, the Respondent, Bureau of Immigration and Customs Enforcement (“BICE”), filed a responsive submission. (Rec. Doc. 5).

DISCUSSION:


On May 11, 2005, the Real ID Act was signed into law. See Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief 2005, Real ID Act of 2005, Pub. L. No. 109-13 (May 11, 2005)(“Real ID Act”). Section 106 of the Real ID Act amends section 242 of the Immigration and Nationality Act (INA) so as to strip district courts of jurisdiction to hear habeas corpus petitions that challenge final orders of removal. Real ID

Act, §106(a)(1)(adding INA § 242(a)(5)(to be codified at 8 U.S.C. § 1252(a)(5)).

The Real ID Act provides that “a petition for review filed with an appropriate court of appeals . . . shall be the sole and exclusive means for judicial review of any cause or claim under the United Nations Convention Against Torture . . .”

Real ID Act, § 106(a)(1)(adding INA § 242(a)(4)(to be codified at 8 U.S.C. § 1252(a)(4))).

The proper venue for a petition of review is the court of appeals for the judicial circuit in which the immigration judge completed the petitioner’s proceedings. See 8 U.S.C. § 1252(b)(2). We are without sufficient information to determine which court of appeals is the appropriate court. However, in the interest of justice, and because Petitioner is being detained in York County Prison, which is in York County, Pennsylvania, we will transfer the case to the United States Court of Appeals for the Third Circuit to cure want of jurisdiction pursuant to 28 U.S.C. § 1631. An appropriate Order shall issue.



John E. Jones II
United States District Judge

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

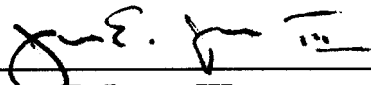
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ORDER

January 9, 2007

In conformity with the Memorandum issued in the above-captioned matter on today's date, it is hereby ORDERED that:

1. Petitioner's case is transferred to the United States Court of Appeals for the Third Circuit to cure want of jurisdiction pursuant to 28 U.S.C. § 1631.
2. Petitioner should make all future filings with the United States Court of Appeals for the Third Circuit.
2. The Clerk is directed to close the file on this case.



John E. Jones III
United States District Judge